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09/477,936	01/05/2000	HARRY E. EMERSON	17617-46	9952
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ERNEST D. BU	JFF AND ASSOCIAT	DURAN, ARTHUR D		
	231 SOMERVILLE ROAD BEDMINSTER, NJ 07921		ART UNIT	PAPER NUMBER
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#### UNITED STATES PATENT AND TRADEMARK OFFICE

#### Board of Patent Appeals and Interferences

Appeal No: 2007-4266 ERNEST D. BUFF Appellant:

HARRY E. EMERSON et al. ERNEST D. BUFF AND ASSOCIATES, LLC. Application No: 09/477,936

Hearing Room: 231 SOMERVILLE ROAD Α BEDMINSTER, NJ 07921 Hearing Docket: B

Hearing Date: Tuesday, June 10, 2008

Hearing Time: 01:00 PM

Madison Building - East Wing Location:

600 Dulany Street, 9th Floor Alexandria, Virginia 22313-1450

### NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquires, please contact the Clerk of the Board at 571-272-9797.

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In all communications relating to this appeal, please identify the appeal by its number.						
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2. A compound having the structural formula I according to claim 1 wherein  $R^9$ ,  $R^{10}$  and B are H, A is  $CH_3$ , and  $R^1$ ,  $R^2$  and  $R^3$  are as defined in the following table:

#	R <sup>1</sup>	R <sup>2</sup>	$\mathbb{R}^3$
1	CI		Z Z
2	CH <sub>3</sub> SN		N N
3	CI S N		N N
4	N N		N
5	CIONS		N N N
6	O N Z		N N N N N N N N N N N N N N N N N N N
7	O N Zi		N N
8	Br		N N
9	C Y		N N
10	CF <sub>3</sub>		N N

<del>ر</del>			
11	CF <sub>3</sub> O		N N
12	CI		N N
13	CF <sub>3</sub> N		Z
14	F		N N
15	CF <sub>3</sub> O		N+-0'
16	CF <sub>3</sub> N		N + O
17	Br		Z Z
18	CI		Z
19	Br	F	Z Z
20	CF <sub>3</sub>		N N N
21	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		Z Z

22	7	N N N
23		N
24	OCF <sub>3</sub>	Z
25	F F	N N N N N N N N N N N N N N N N N N N
26	CI	N N
27	FCI	NNN
28	Br CH <sub>3</sub>	N N
29	MeO CI	N N
30	Br CH <sub>3</sub>	N N
31	F	N N
32	CI	N N

7		 · · · · · · · · · · · · · · · · · · ·
33	OMe	N N
34	F <sub>3</sub> C \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	N N N
35	CI CF <sub>3</sub>	N N
36	F F	N N N
37	MeO	N N
38	Br CF <sub>3</sub>	N N
39	CH <sub>3</sub>	N N
40	EtO	N N
41	Et	N
42	F	N N
43	PhO	N N
44	CN	N N

45	٠	 \ N.
45		N
46	N-N	N N N
47	Bn ~ ~	
	MeSO <sub>2</sub> NH	N
48	MeSO <sub>2</sub> N Bn	N N
49	Ac. N	N
50	کنز	N
	MeSO <sub>2</sub>	'\\\
51	CI	N N
52	Br	N N
53		N N
54	O NH	N N
55	H <sub>2</sub> N	N

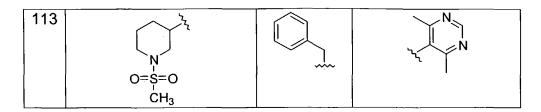
56	O NH	N N
57	CF <sub>3</sub> CH <sub>2</sub> SNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNN	N N
58	, , , , , , , , , , , , , , , , , , ,	N N
59	HO <sub>2</sub> C	Z Z
60	HO <sub>2</sub> C	NNN
61	H <sub>2</sub> N	N N
62	O N	N N
63	N Zi	N N N
64	HO N Y	N
65	O NH	N N
66	O N H	NNN
67	HO N H	N N N

68	A P Ti		N N
69	CF <sub>3</sub> N		N N
70	F <sub>3</sub> CO		N N
71	Br N		N N
72			N
73	CI		N N
74		<u> </u>	N N
75		(CH <sub>2</sub> ) <sub>2</sub>	N N
76	F <sub>3</sub> C N		N N
77	N N		N N
78	CI		N N
79	F		N N

		NI	NI NI
80			N N
81	F₃CO C		N+·O
82	CF <sub>3</sub> N		N+·O
83	F <sub>3</sub> C N		N+·O
84			N+·O-
85	Br	0	N+·O
86		Z Z	N
87	Br		N N
88	Br	N N	N N
89	Br	N N	N N

90		N N	N N
91	MeO CI		N
92	Cl	<b>\\</b>	N N
93	F		N N
94	OMe		N N
95	Br CF <sub>3</sub>		N N
96	CH <sub>3</sub>		N N
97	Br	, and the second	N N
98	Br		N
99	EtO		N N
100	Et		N N
101	F F		N N N

102	4		\ \N\
	MeO		N
103	Br	0	N N
104	F		N N
105	PhO		N N
106			N N
107			N
108	N N		N N N
109	N N N N N N N N N N N N N N N N N N N		N N
110	Z=		N N
111	CI	CH₃	N N
112	O=S=O		N N



3. A compound according to claim 2 wherein R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> each represent:

16	CF <sub>3</sub> N	N <sup>+</sup> ·O <sup>-</sup>
17	Br	N
28	Br CH <sub>3</sub>	N N N
29	MeO CI	× × × × × × × × × × × × × × × × × × ×
31	F	N
36	F Tri	N N
37	MeO	N N
39	CH <sub>3</sub>	N N
40	EtO	N N
47	MeSO <sub>2</sub> ·NH	N N N
49	Ac. N	N N

50	<u> </u>		VN.
	MeSO <sub>2</sub>		N N
56	O N H		N N
57	CF <sub>3</sub> CH <sub>2</sub> SNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNNN		N Z
61	H <sub>2</sub> N		N
68	HZ D D		Z Z
69	CF <sub>3</sub> N		N N
70	F <sub>3</sub> CO		N
71	Br N		N N
80		N	N
81	F <sub>3</sub> CO		N <sup>+</sup> ·O <sup>-</sup>
82	CF <sub>3</sub> N		N+-0-

90		N N	N N
91	MeO CI		N N
93	L. L.		N N
96	CH <sub>3</sub>		N N
99	EtO		N N
100	Et		N N
101	F F		N
102	MeO		N N

# 4. A compound according to claim 3 represented by the structural formulae:

5. A pharmaceutical composition comprising one or more compounds of claim 1.

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- A pharmaceutical composition comprising one or more compounds of claim 4
- 7. The pharmaceutical composition according to claim 5 further comprising one or more pharmaceutically acceptable carriers.
  - 8. The pharmaceutical composition according to claim 6 further comprising one or more pharmaceutically acceptable carriers.
- 10 9. The pharmaceutical composition according to claim 5, wherein said pharmaceutical composition contains a therapeutically acceptable amount of said one or more compounds.
- 10. The pharmaceutical composition according to claim 6, wherein said pharmaceutical composition contains a therapeutically acceptable amount of said one or more compounds.
  - 11. A method of treating Human Immunodeficiency Virus comprising administering to a patient in need of such treatment a therapeutically effective amount of one or more compounds according to claim 1.
  - 12. A method of treating Human Immunodeficiency Virus comprising administering to a patient in need of such treatment a therapeutically effective amount of one or more compounds according to claim 4.
  - 13 The method of claim 12 further comprising administering said one or more compounds in combination with one or more pharmaceutically acceptable carriers.
- 30 14. The method of claim 12 further comprising administering one or more antiviral or other agents useful in the treatment of Human Immunodeficiency Virus.

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15. The method of claim 14 wherein said antiviral agent is selected from the group consisting of nucleoside reverse transcriptase inhibitors, non-nucleoside reverse transcriptase inhibitors and protease inhibitors.

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- 16. The method of claim 14 wherein said antiviral agent is selected from the group consisting of zidovudine, lamivudine, zalcitabine, didanosine, stavudine, abacavir, adefovir dipivoxil, lobucavir, BCH-10652, emitricitabine, beta-L-FD4, DAPD, lodenosine, nevirapine, delaviridine, efavirenz, PNU-142721, AG-1549, MKC-442, (+)-calanolide A and B, saquinavir, indinavir, ritonavir, nelfinavir, lasinavir, DMP-450, BMS-2322623, ABT-378, amprenavir, hydroxyurea, ribavirin, IL-2, IL-12, pentafuside, Yissum No. 11607 and AG-1549.
- 17. A method of treating solid organ transplant rejection, graft v. host disease, arthritis, rheumatoid arthritis, inflammatory bowel disease, atopic dermatitis, psoriasis, asthma, allergies or multiple sclerosis comprising administering to a patient in need of such treatment a therapeutically effective amount of one or more compounds of claim 1

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18. The method of claim 17 for treating solid organ transplant rejection, graft v. host disease, rheumatoid arthritis, inflammatory bowel disease or multiple sclerosis further comprising administering said one or more compounds in combination with one or more pharmaceutically acceptable carriers.

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19. The method of claim 17 for treating solid organ transplant rejection, graft v. host disease, rheumatoid arthritis, inflammatory bowel disease or multiple sclerosis further comprising administering one or more other agents useful in the treatment of said diseases.

20. A kit comprising in separate containers in a single package pharmaceutical compositions for use in combination to treat Human Immunodeficiency Virus which comprises in one container a pharmaceutical composition comprising one or more compounds of claim 1 in one or more pharmaceutically acceptable carriers, and in separate container, one or more pharmaceutical compositions comprising one or more antiviral or other agents useful in the treatment of Human Immunodeficiency Virus in one or more pharmaceutically acceptable carriers.